

11. (Original) An antibacterial tissue as defined in Claim 10 wherein the antibacterial member includes a layer of antibacterial soap.

12. (Original) An antibacterial tissue as defined in Claim 10 wherein the antibacterial member includes a layer of betadine.

REMARKS

In the Official office Action dated April 9, 2003, Claims 1 through 6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,280,757 issued to David M. McAtee et al.

Claim 2, 3 and 6 have been rejected under 35 U.S.C. 112, second paragraph.

Claim 2,3 and 6 have been amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

Claim 4 has been amended to overcome the rejection under 35 U.S. C. 103(a).

Reconsideration is hereby requested.

Claim 1 of Applicant's invention discloses an antibacterial tissue which includes an upper planar shaped absorbent member. The antibacterial tissue also includes an intermediate planar shaped absorbent member having a plurality of apertures formed therein coupled to the upper planar shaped absorbent member. Additionally an antibacterial member is formed on an upper surface of the intermediate planar shaped absorbent member between the upper planar shaped absorbent member and the intermediate planar shaped absorbent member. Still further the antibacterial tissue includes a lower planar shaped absorbent member which is coupled to a lower surface of the intermediate planar shaped absorbent member.

Claim 2 of Applicant's invention discloses an antibacterial tissue as defined in claim 1 wherein the upper planar shaped absorbent member includes a thin one ply paper absorbent material.

Claim 3 discloses an antibacterial tissue as defined in claim 2 wherein the intermediate planar shaped absorbent member includes a thin one ply paper material having a plurality of openings formed therein.

In claim 4 of Applicant's invention an antibacterial tissue is discloses as defined in Claim 3 wherein the antibacterial member is a dry antibacterial member which is activated by moisture from the body.

Claim 5 further discloses an antibacterial tissue as defined in Claim 4 wherein the antibacterial member includes a layer of antibacterial soap.

Claim 6. Still further discloses an antibacterial tissue as defined in Claim 4 wherein the antibacterial member includes a layer of antibacterial agent.

The McAtee patent discloses a disposable personal cleansing article useful for cleansing, and optionally conditioning the skin or hair. The cleansing article of this invention includes is a two-ply substrate wherein one or both plies are apertured. At least one of the plies of the article is wet extensible and the other ply is less wet extensible. The articles are substantially dry prior to use and contain one or more water soluble and water insoluble conditioning agents in addition to a lathering agent. The articles are used by the consumer by wetting the article, which may be dry, with water and thereafter forming a lather by rubbing the article against itself and/or against the skin or hair.

There is no teaching in the McAtee patent of an upper planar shaped absorbent member as taught in Applicant's Claim 1. There is also no teaching or suggestion in the

McAtee patent of an intermediate planar shaped absorbent member having a plurality of apertures formed therein coupled to the upper planar shaped absorbent member. Additionally there is no teaching or suggestion in the McAtee patent of an antibacterial member being formed on an upper surface of the intermediate planar shaped absorbent member between the upper planar shaped absorbent member and the intermediate planar shaped absorbent member. Still further there is no teaching or suggestion in the McAtee patent of a lower planar shaped absorbent member which is coupled to a lower surface of the intermediate planar shaped absorbent member as taught in Applicant's claim. Rather the McAtee patent discloses a two-ply article with one ply being wet extensible and the other ply being less wet extensible. Clearly Applicant's Claim 1 is distinguishable over the McAtee Patent.

Claim 2 which depends from claim 1 is further distinguishable over the McAtee patent for the same reasons as set forth in Claim. Additionally claim 2 is distinguishable over the McAtee patent because there is no teaching or suggestion in the McAtee patent of the upper planar shaped absorbent member including a thin one ply paper absorbent material.

Claim 3 is also distinguishable over the McAtee patent because there is no teaching of suggestion in the McAtee patent of an antibacterial tissue wherein the intermediate planar shaped absorbent member includes a thin one ply paper material having a plurality of openings formed therein as taught by Applicant.

Still further claim 4 is distinguishable over the McAtee patent because there is no teaching or suggestion in the McAtee patent of the antibacterial member having a dry antibacterial member which is activated by moisture from the body as in Applicant's

Claim 4. Instead the McAtee patent discloses a soap and lathering agent that is activated by wetting the article and rubbing the article against itself.

Claim 5 is further distinguishable over the McAtee patent because there is no teaching or suggestion in the McAtee patent of an antibacterial tissue wherein the antibacterial member includes a layer of antibacterial soap.

There is also no teaching or suggestion in the McAtee patent of an antibacterial tissue wherein the antibacterial member which includes a layer of antibacterial agent as taught in Applicant's claim 6.

The Examiner contends that it would have been obvious to one of ordinary skills in the art to add a bacterial agent to the McAtee patent in order to enhance the hygiene of the tissue. This is not the case. This can only be maintained through hindsight. However, this still would not teach Applicant's invention. The McAtee patent discloses a two-ply disposable cleansing article with a lathering agent and an optional conditional agent for cleansing the skin or hair. This is a totally different structure and concept that that of Applicant's invention.

It is submitted that this reference does not teach or suggest the invention that is taught in Applicant's claims and therefore Applicant's claims should be allowed and such allowance is requested.


It is brought to the Examiner's attention that the application also includes claims 7 through 12. However nothing was said in the office action relative to these claims.

It is submitted that claims 7 through 12 are also allowable.

Applicant submits, this application is in condition for allowance and such allowance is requested.

If the Examiner wishes to discuss minor changes or corrections in this application or if a discussion is desirable for the purpose of achieving mutual agreement leading to termination or prosecution and allowance of the application it is requested that he so advise Applicant by calling Kenneth D. Baugh whose number is (713) 529-2901.

RESPECTFULLY SUBMITTED,
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By: 
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